



DEPT. OF TRANSPORTATION

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2AA-2001-9097-1

February 21, 2001

Federal Aviation Administration
Attn: Rules Docket, AGC-10
Office of Chief Counsel
800 Independence Avenue, SW
Washington, DC 20591

Subject: Exemption No. 5711E

Reference: DOT FAA notice dated 02/01/01

This letter replies to a notice received from your office regarding Exemption No. 5711E.

Attachment A is a list of aircraft serial numbers and aircraft registration numbers of Federal Express Corporation Cessna Model 208 aircraft.

This correspondence should be treated as an official request for extension of Exemption No. 5711E, for FAR 135.143 (c) (2), allowing operation of the aircraft listed in Attachment A without a Mode-S transponder. The present exemption expires August 31, 2001. The granting of an extension to this exemption is in the public interest, for the same reasons set forth when the exemption was originally granted and then extended. A copy of the exemption and extensions thereto is attached for your information as Attachment B.

I also request a letter indicating approval of the extension and the date showing the new expiration date for the exemption.

My business card is enclosed giving my contact points and telephone numbers. I appreciate your time in this matter.

Regards,

Norman E. Alexander
Federal Express Corporation
Supplemental Air Engineering

Enclosures

| Attachment A | | |
|--------------|-----------------------------------|----------------------------------|
| | | |
| | Aircraft Serial Number | Aircraft Registration |
| 1 | 20800007 | N800FE |
| 2 | 20800009 | N801FE |
| 3 | 20800016 | N835FE |
| 4 | 20800040 | N812FE |
| 5 | 20800056 | N819FE |
| 6 | 20800065 | N799FE |
| 7 | 20800072 | N827FE |
| 8 | 20800075 | N830FE |
| 9 | 20800081 | N832FE |
| 10 | 20800084 | N833FE |
| 11 | 208B0001 | N901FE |
| 12 | 208B0002 | N902FE |
| 13 | 208B0003 | N903FE |
| 14 | 208B0004 | N904FE |
| 15 | 208B0005 | N905FE |
| 16 | 208B0006 | N906FE |
| 17 | 208B0007 | N907FE |
| 18 | 208B0008 | N908FE |
| 19 | 208B0009 | N909FE |
| 20 | 208B0010 | N910FE |
| 21 | 208B0011 | N911FE |
| 22 | 208B0012 | N912FE |
| 23 | 208B0014 | N914FE |
| 24 | 208B0015 | N895FE |
| 25 | 208B0016 | N916FE |
| 26 | 208B0017 | N917FE |
| 27 | 208B0018 | N918FE |
| 28 | 208B0019 | N919FE |
| 29 | 208B0020 | N920FE |
| 30 | 208B0021 | N921FE |
| 31 | 208B0022 | N922FE |
| 32 | 208B0023 | N923FE |
| 33 | 208B0024 | N924FE |
| 34 | 208B0025 | N925FE |
| 35 | 208B0026 | N926FE |
| 36 | 208B0027 | N927FE |
| 37 | 208B0028 | N928FE |
| 38 | 208B0029 | N929FE |
| 39 | 208B0030 | N930FE |
| 40 | 208B0031 | N931FE |
| 41 | 208B0033 | N933FE |
| 42 | 208B0034 | N934FE |
| 43 | 208B0035 | N935FE |
| 44 | 208B0036 | N936FE |
| 45 | 208B0037 | N937FE |
| 46 | 208B0038 | N938FE |
| 47 | 208B0039 | N804FE |
| 48 | 208B0040 | N940FE |
| 49 | 208B0041 | N807FE |
| 50 | 208B0042 | N797FE |
| 51 | 208B0043 | N943FE |

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| 52 | 208B0044 | N944FE |
| 53 | 208B0048 | N946FE |
| 54 | 208B0050 | N947FE |
| 55 | 208B0052 | N948FE |
| 56 | 208B0054 | N900FE |
| 57 | 208B0056 | N950FE |
| 58 | 208B0060 | N952FE |
| 59 | 208B0062 | N953FE |
| 60 | 208B0064 | N954FE |
| 61 | 208B0066 | N955FE |
| 62 | 208B0068 | N956FE |
| 63 | 208B0070 | N957FE |
| 64 | 208B0071 | N958FE |
| 65 | 208B0073 | N959FE |
| 66 | 208B0075 | N960FE |
| 67 | 208B0077 | N961FE |
| 68 | 208B0078 | N962FE |
| 69 | 208B0080 | N963FE |
| 70 | 208B0083 | N964FE |
| 71 | 208B0084 | N965FE |
| 72 | 208B0086 | N966FE |
| 73 | 208B0088 | N967FE |
| 74 | 208B0090 | N968FE |
| 75 | 208B0092 | N969FE |
| 76 | 208B0093 | N970FE |
| 77 | 208B0094 | N971FE |
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| 80 | 208B0099 | N974FE |
| 81 | 208B0101 | N975FE |
| 82 | 208B0103 | N976FE |
| 83 | 208B0104 | N977FE |
| 84 | 208B0105 | N978FE |
| 85 | 208B0106 | N979FE |
| 86 | 208B0108 | N980FE |
| 87 | 208B0110 | N981FE |
| 88 | 208B0111 | N820FE |
| 89 | 208B0113 | N983FE |
| 90 | 208B0115 | N984FE |
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| 92 | 208B0122 | N828FE |
| 93 | 208B0124 | N989FE |
| 94 | 208B0125 | N990FE |
| 95 | 208B0127 | N991FE |
| 96 | 208B0128 | N992FE |
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| 98 | 208B0132 | N994FE |
| 99 | 208B0133 | N995FE |
| 100 | 208B0135 | N996FE |
| 101 | 208B0139 | N998FE |
| 102 | 208B0144 | N841FE |
| 103 | 208B0146 | N842FE |
| 104 | 208B0147 | N843FE |
| 105 | 208B0149 | N844FE |
| 106 | 208B0152 | N845FE |

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| 107 | 208B0154 | N846FE |
| 108 | 208B0156 | N847FE |
| 109 | 208B0158 | N848FE |
| 110 | 208B0162 | N849FE |
| 111 | 208B0164 | N850FE |
| 112 | 208B0166 | N851FE |
| 113 | 208B0168 | N852FE |
| 114 | 208B0170 | N853FE |
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| 116 | 208B0176 | N856FE |
| 117 | 208B0177 | N857FE |
| 118 | 208B0178 | N858FE |
| 119 | 208B0180 | N939FE |
| 120 | 208B0181 | N859FE |
| 121 | 208B0182 | N860FE |
| 122 | 208B0183 | N861FE |
| 123 | 208B0184 | N862FE |
| 124 | 208B0185 | N885FE |
| 125 | 208B0186 | N863FE |
| 126 | 208B0187 | N864FE |
| 127 | 208B0188 | N865FE |
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| 133 | 208B0196 | N870FE |
| 134 | 208B0197 | N997FE |
| 135 | 208B0198 | N871FE |
| 136 | 208B0200 | N872FE |
| 137 | 208B0201 | N987FE |
| 138 | 208B0202 | N873FE |
| 139 | 208B0203 | N855FE |
| 140 | 208B0204 | N881FE |
| 141 | 208B0205 | N874FE |
| 142 | 208B0206 | N875FE |
| 143 | 208B0207 | N876FE |
| 144 | 208B0208 | N882FE |
| 145 | 208B0209 | C-FEXX |
| 146 | 208B0210 | N883FE |
| 147 | 208B0211 | N878FE |
| 148 | 208B0212 | N796FE |
| 149 | 208B0213 | N879FE |
| 150 | 208B0215 | N880FE |
| 151 | 208B0216 | N887FE |
| 152 | 208B0217 | N888FE |
| 153 | 208B0218 | N889FE |
| 154 | 208B0219 | N890FE |
| 155 | 208B0221 | N891FE |
| 156 | 208B0222 | N892FE |
| 157 | 208B0223 | N893FE |
| 158 | 208B0224 | N894FE |
| 159 | 208B0225 | N831FE |
| 160 | 208B0226 | C-FEXY |
| 161 | 208B0227 | N897FE |

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|-----|----------|--------|
| 162 | 208B0228 | N898FE |
| 163 | 208B0231 | N999FE |
| 164 | 208B0232 | N877FE |
| 165 | 208B0233 | N884FE |
| 166 | 208B0235 | N899FE |
| 167 | 208B0238 | N747FE |
| 168 | 208B0241 | N748FE |
| 169 | 208B0242 | N749FE |
| 170 | 208B0244 | C-FEXE |
| 171 | 208B0245 | N751FE |
| 172 | 208B0247 | N752FE |
| 173 | 208B0248 | N753FE |
| 174 | 208B0250 | N755FE |
| 175 | 208B0251 | N756FE |
| 176 | 208B0252 | N760FE |
| 177 | 208B0254 | N761FE |
| 178 | 208B0255 | N762FE |
| 179 | 208B0256 | N763FE |
| 180 | 208B0258 | N764FE |
| 181 | 208B0259 | N765FE |
| 182 | 208B0260 | N766FE |
| 183 | 208B0262 | N767FE |
| 184 | 208B0263 | N768FE |
| 185 | 208B0264 | N769FE |
| 186 | 208B0265 | N770FE |
| 187 | 208B0267 | N771FE |
| 188 | 208B0268 | N772FE |
| 189 | 208B0269 | N773FE |
| 190 | 208B0271 | N774FE |
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| 192 | 208B0273 | N776FE |
| 193 | 208B0275 | N778FE |
| 194 | 208B0276 | N779FE |
| 195 | 208B0277 | N780FE |
| 196 | 208B0278 | N781FE |
| 197 | 208B0280 | N782FE |
| 198 | 208B0281 | N783FE |
| 199 | 208B0282 | N784FE |
| 200 | 208B0283 | N785FE |
| 201 | 208B0284 | N786FE |
| 202 | 208B0285 | N787FE |
| 203 | 208B0286 | N788FE |
| 204 | 208B0287 | N789FE |
| 205 | 208B0288 | N790FE |
| 206 | 208B0289 | N791FE |
| 207 | 208B0290 | N792FE |
| 208 | 208B0291 | N793FE |
| 209 | 208B0292 | N794FE |
| 210 | 208B0293 | N795FE |
| 211 | 208B0419 | N700FX |
| 212 | 208B0420 | N701FX |
| 213 | 208B0422 | N702FX |
| 214 | 208B0423 | N703FX |
| 215 | 208B0425 | N705FX |
| 216 | 208B0426 | N706FX |

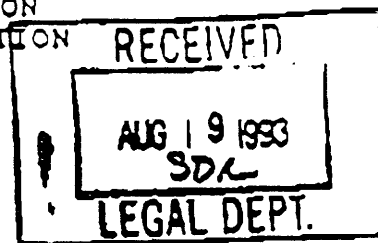
| | | |
|-----|----------|--------|
| 217 | 208B0427 | N707FX |
| 218 | 208B0429 | N708FX |
| 219 | 208B0430 | N709FX |
| 220 | 208B0431 | N710FX |
| 221 | 208B0433 | N711FX |
| 222 | 208B0435 | N712FX |
| 223 | 208B0438 | N713FX |
| 224 | 208B0440 | N715FX |
| 225 | 208B0442 | N716FX |
| 226 | 208B0445 | N717FX |
| 227 | 208B0448 | N718FX |
| 228 | 208B0450 | N719FX |
| 229 | 208B0452 | N720FX |
| 230 | 208B0453 | N721FX |
| 231 | 208B0454 | N722FX |
| 232 | 208B0456 | N723FX |
| 233 | 208B0458 | N724FX |
| 234 | 208B0460 | N725FX |
| 235 | 208B0465 | N726FX |
| 236 | 208B0468 | N727FX |
| 237 | 208B0471 | N728FX |
| 238 | 208B0474 | N729FX |
| 239 | 208B0477 | N730FX |
| 240 | 208B0480 | N731FX |
| 241 | 208B0482 | N738FX |
| 242 | 208B0484 | N740FX |
| 243 | 208B0486 | N741FX |
| 244 | 208B0489 | N742FX |
| 245 | 208B0492 | N744FX |
| 246 | 208B0495 | N745FX |
| 247 | 208B0498 | N746FX |
| 248 | 208B0501 | N747FX |
| 249 | 208B0503 | N748FX |
| 250 | 208B0508 | C-FEXF |
| 251 | 208B0511 | N750FX |
| 252 | 208B0514 | N751FX |
| 253 | 208B0517 | N752FX |
| 254 | 208B0520 | N753FX |
| 255 | 208B0526 | N754FX |
| 256 | 208B0529 | N755FX |
| 257 | 208B0532 | N756FX |
| 258 | 208B0535 | N757FX |
| 259 | 208B0539 | N758FX |
| 260 | 208B0542 | N759FX |

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Attachment B

Exemption No. 5711

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, D.C. 20591



In the matter of the petition of
FEDERAL EXPRESS CORPORATION

for an exemption from
§ 135.143(c)(2) of the Federal
Aviation Administration

Regulatory Docket No. 27205

GRANT OF EXEMPTION

By letter dated March 4, 1993, Mr. Mark S. Blair, Managing Director, Feeder Aircraft Operations, Federal Express Corporation (FEC), 2892 Business Park, Memphis TN 38118, petitioned the Federal Aviation Administration (FAA) for an exemption from § 135.143(c)(2) of the Federal Aviation Regulations (FAR) to permit FEC to operate without a TSO-C112 (Mode S) transponder installed on its aircraft operating under the provisions of part 135.

FEC requests relief from § 135.143(c)(2), which states, in pertinent part:

- (c) ATC transponder equipment installed within the time periods indicated must meet the performance and environmental requirements of the following TSO's:

- (2) After January 1, 1992: The appropriate class of TSO-C112 (Mode S). For purposes of paragraph (c)(2) of this section, "installation" does not include--
- (i) Temporary installation of TSO-C74b or TSO-C74c substitute equipment, as appropriate, during maintenance of the permanent equipment;
 - (ii) Reinstallation of equipment after temporary removal for maintenance; or

AFB-93-388-B

Attachment B

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- (iii) For fleet operations, installation of equipment in a fleet aircraft after removal of the equipment for maintenance from another aircraft in the same operator's fleet.

FEC supports its request with the following information:

FEC states that its petition is in the public interest for both safety and economic reasons. In terms of safety, the petitioner states that ground sensors when combined with Mode S transponders, enable air traffic control (ATC) to track aircraft more effectively, thereby reducing the likelihood of a mid-air collision. It maintains, however, that without ground sensors, which will not be available until late 1995, Mode S transponders provide no more benefits than advanced solid state Mode C transponders. Thus, FEC claims the proposed exemption would not reduce aviation safety. In terms of economics, FEC states that the installation of Mode S transponders would impose a substantial burden. The petitioner states that the average price of a Mode S transponder is \$3,500 compared to \$1,500 for a Mode C transponder. Granting the proposed exemption, FEC further states, would generate benefits in the form of cost relief for both it and its customers.

FEC states that its request is for those aircraft listed on Attachment A. FEC further adds that it is planning to perform substantial maintenance and modification work on these aircraft in the immediate future and has elected to install in them a second transponder to enhance safety and reliability.

FEC states that a delay for publication and comment procedures in the Federal Register would be detrimental because it would place significant economic hardship on the air carrier.

The FAA has determined that for good cause shown, a delay for publication and comment procedures would be detrimental to the petitioner. Therefore, good cause exists for waiving publication in the Federal Register.

The FAA's analysis/summary is as follows:

The FAA is aware that the ground sensors necessary for Mode S transponders as envisioned by the FAA have not become operational. These ground sensors are not expected to be fully operational until late 1995. Without functioning ground sensors, a Mode S transponder offers no reduction in ATC separation criteria or increase in traffic flow over that provided by a Mode C transponder. No safety advantage is

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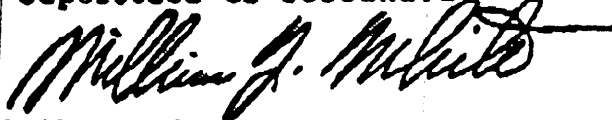
gained by requiring Mode S transponders to be used in aircraft having a passenger configuration of 10 to 30 seats, without the necessary ground sensors. Therefore, the FAA is undertaking rulemaking action to propose a revision of § 135.143(c)(2) that would provide relief to operators of these aircraft.

In the interim, some individuals, such as the petitioner, need to install ATC transponder equipment before relief can be granted through general rulemaking. The FAA agrees with the petitioner that it would not be in the public interest to compel these individuals, who are uniquely burdened by the rule, to purchase and install Mode S transponders when necessary ground components for the system are currently unavailable.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), Federal Express Corporation is granted an exemption from § 135.143(c)(2) to the extent necessary to allow it to operate the following aircraft:

1. The aircraft as listed in Attachment A may be equipped with any TSO-C73b or TSO-C74c transponder.
2. Any aircraft for which the installation of an ATC transponder is needed and notice is given to the principal operations inspector.

This exemption expires on August 31, 1995, unless sooner superseded or rescinded.



William J. White
Acting Director, Flight Standards
Service

Issued in Washington, D.C., on AUG 10 1993

Attachment B



US Department
of Transportation
**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20501

November 18, 1994

Exemption No. 5711C
Regulatory Docket No. 27205

Ms. Sheila D. Ryan
Senior Attorney, Regulatory Affairs
Federal Express Corporation
Legal Department
1980 Nonconnah Blvd.
Memphis TN 38132

Dear Ms. Ryan:

This exemption will permit any part 135 operator to operate any aircraft owned and leased by Federal Express Corporation (FEX) without complying with Section 135.143(c)(2) of the Federal Aviation Regulations (FAR).

It remains the FAA's intention that the widest possible relief be granted, where appropriate, to operators of FEX aircraft. Since FEX only offers its Cessna C-208 aircraft for lease and does not operate them under an operating certificate, the FAA finds that there would be no conflict with safety and that it would be in the public interest to allow part 135 operators who lease any FEX aircraft to operate these aircraft without a Mode S transponder being installed on the aircraft.

Therefore, in order to correct any misunderstanding the FAA had regarding operational control and responsibility for these leased C-208 owned by FEX, the FAA has decided to issue this amendment to the exemption.

The FAA has determined that good cause exists for waiving the requirements for publication and summary of this petition in the Federal Register. A grant of this exemption would not set a precedent, and any delay in action on this petition would not be in the public interest. Therefore, the FAA has waived the requirement for publication in the Federal Register.

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In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority in Sections 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), Exemption No. 5711, as amended, is further amended by extending its expiration date to August 31, 1997 and to permit part 135 operators who lease aircraft from FEX to operate these aircraft without a Mode S transponder being installed.

This amendment shall be attached to and is part of Exemption No. 5711, as amended, and is subject to the following conditions and limitations.

1. The aircraft as listed in Attachment A of Exemption No. 5711, as amended, may be equipped with any TSO-C73b or TSO-C74c transponder.
2. Any aircraft owned by FEX for which the installation of an ATC transponder is needed and notice is given to the principal operations inspector of the leasing operator.

This exemption expires on August 31, 1997, unless sooner superseded or rescinded.

Sincerely,



William J. White

Acting Director, Flight Standards
Service

Attachment B



U.S. Department
of Transportation

**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

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Exemption No. 5711D
Regulatory Docket No. 27205

Dr. J. Paul Sims
Project Engineer, Feeder Aircraft Operations
Federal Express Corporation
P.O. Box 727
Memphis, TN 38194-2890

Dear Dr. Sims:

This is in response to your June 3, 1997, telephone conversation, June 4, 1997, letter, and June 17, 1997, supplemental information petitioning the Federal Aviation Administration (FAA) on behalf of Federal Express Corporation (FedEx) for an extension of Exemption No. 5711, as amended. That exemption from § 135.143(c)(2) of Title 14, Code of Federal Regulations (14 CFR) permits part 135 certificate holders that lease aircraft from FedEx to operate those aircraft under part 135 without TSO-C112 (Mode S) transponders installed.

In your petition, you indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to FedEx.

The FAA has determined that the justification for the issuance of Exemption No. 5711, as amended, remains valid with respect to this exemption.

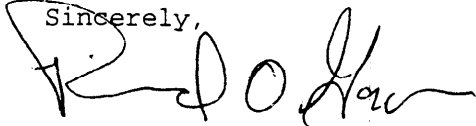
In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator (14 CFR § 11.53), Exemption No. 5711, as amended, is hereby further amended by extending its August 31, 1997, termination date to August 31, 1999, unless sooner superseded or rescinded.

Attachment B

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All other conditions and limitations of Exemption No. 5711, as amended, remain the same. This letter shall be attached to, and is a part of, Exemption No. 5711.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard O. Gordon', written over the word 'Sincerely,'.

Richard O. Gordon
Acting Director, Flight Standards Service



U.S. Department
of Transportation
**Federal Aviation
Administration**

Attachment B

800 Independence Ave., S.W.
Washington, D.C. 20591

AUG 24 1999

Exemption No. 5711E
Regulatory Docket No. 27205

Dr. J. Paul Sims
Project Engineer, Feeder Aircraft Operations
Federal Express Corporation
P.O. Box 727
Memphis, TN 38194-2890

Dear Dr. Sims:

This is in response to your May 23, 1999, letter petitioning the Federal Aviation Administration (FAA) on behalf of Federal Express Corporation (FedEx) for an extension of Exemption No. 5711, as amended. That exemption from § 135.143(c)(2) of Title 14, Code of Federal Regulations (14 CFR) permits part 135 certificate holders that lease aircraft from FedEx to operate those aircraft under part 135 without TSO-C112 (Mode S) transponders installed.

In your petition, you indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of the exemption would not set a precedent, and any delay in acting on this petition would be detrimental to FedEx.

The FAA has determined that the justification for the issuance of Exemption No. 5711, as amended, remains valid with respect to this exemption.


In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701, delegated to me by the Administrator (14 CFR § 11.53), Exemption No. 5711, as amended, is hereby further amended by extending its August 31, 1999, termination date to August 31, 2001, unless sooner superseded or rescinded.

Attachment B

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All other conditions and limitations of Exemption No. 5711, as amended, remain the same. This letter shall be attached to, and is a part of, Exemption No. 5711.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Nicholas Lacey'. The signature is fluid and stylized, with a long horizontal stroke at the beginning and a series of loops and curves that end in a small hook.

L. Nicholas Lacey
Director, Flight Standards Service